

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

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August 30, 2017

VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: Restoring Internet Freedom (WC Docket No. 17-108)

Dear Ms. Dortch:

The U.S. Chamber of Commerce (“Chamber”), the world’s largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America’s free enterprise system, respectfully submits these reply comments to the Federal Communications Commission (“FCC” or “Commission”) in response to its Notice of Proposed Rulemaking (“NPRM”) in the above-referenced proceeding—otherwise known as the Restoring Internet Freedom rulemaking.

One of the common arguments in favor of the Title II classification, which treats broadband providers like public utilities, is that it provides the Commission with the surest legal authority of protecting net neutrality.¹ Given the negative results of Title II, which has undermined consumer choice and broadband capital investment, the Chamber asserts that a better choice would have been for the Commission to follow the legal roadmap provided in 2014 by the D.C. Circuit in *Verizon v. Federal Communications Commission*² to achieve the principles of net neutrality.

The Chamber believes that the surest legal footing to protect net neutrality and to prevent regulatory uncertainty is for Congress to directly address the issue, and, for this reason, the Chamber applauds Chairman Greg Walden for taking the lead in restoring internet freedom by

¹ See e.g., Comments of the Electronic Frontier Foundation on Notice of Proposed Rulemaking (WC Docket No. 17-108) (July 17, 2017).

² See U.S. Chamber of Commerce Restoring Internet Freedom Comments (WC Docket No. 17-108) (July 17, 2017) available at https://www.uschamber.com/sites/default/files/7.17.17-comments_to_fcc_on_restoring_internet_freedom_proposed_rulemaking.pdf.

holding the September 7, 2017 House Energy and Commerce Committee hearing on regulating the internet ecosystem.

The business community concurs with Representative Marsha Blackburn who made clear that “[t]he last FCC...pushed far beyond its legal authority to create an unstable set of mandates and a mountain of unanswered questions.”³ The Chamber also agrees with Chairman Walden who stated, “[w]ith almost everyone in agreement about fundamental principles to prevent anti-competitive behavior such as throttling and blocking...we are closer than ever to achieving a lasting resolution. The time has come to get everyone to the table and get this figured out.”⁴ In the meantime, the Commission should continue its work by removing the unnecessary regulatory burdens of Title II to broadband.

The Chamber looks forward to working with both the Commission and Congress to achieve a long-lasting solution to maintaining a free, competitive, and open internet while removing overly-intrusive regulatory barriers to growth.

Thank you for the opportunity to participate in this proceeding. If you have any follow up questions, I may be reached at (202) 463-5457 or by e-mail at wkovacs@uschamber.com.

Sincerely,



William L. Kovacs

³ Press Release “#FullCmte to Hold Hearing with Leading Edge Providers and ISPs on Ground Rules for the Internet,” House Energy and Commerce Committee (Jul 25, 2017) *available at* <https://energycommerce.house.gov/news-center/press-releases/fullcmte-hold-hearing-leading-edge-providers-and-isps-ground-rules>.

⁴ *Id.*